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Scientology ruling to be appealed

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CLEARWATER — City commissioners will appeal a controversial ordinance to the U.S. Supreme Court, if necessary, to ensure they can enforce it, the city's attorney on the case said Wednesday.

"They [city commissioners] are resolved to pursue forward and fight," said attorney Alan Zimmet, who is handling the appeal.

But further appeals of the ordinance, which would require churches to disclose how they spend money donated by church members, would be foolish, said Richard Haworth, spokesman for the Church of

Scientology.

"The city commission has just voted to waste thousands of taxpayer dollars to try to justify the prejudicial acts of past politicians, which have been found unlawful by the second highest court of the country," Haworth wrote in a letter.

"No one can defend a law born out of prejudice and bigotry," Haworth wrote.

The 11th Circuit Court of Appeal in Atlanta called the city's ordinance an unconstitutional entanglement of church and state.

The Supreme Court has never ruled on an ordinance such as Clearwater's which

requires disclosure of how contributions are spent, Zimmet said.

However, in cases where the court has ruled unconstitutional local laws that attempted to put caps on the amounts of money churches could spend on items, the court left open the possibility that less restrictive regulations, such as disclosure, might be allowable, Zimmet said.

University of Texas Law School professor Doug Laycock did not share Zimmet's optimism the city's appeal would succeed.

"I think they [the city] are going to lose,

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but it's not frivolous," Laycock said. "It's an important case. The Supreme Court might take it.

"But [the ordinance] sounds like direct state interference into the workings of a church," he said.

City Attorney Al Galbraith said he has not kept track of how much the city has spent defending the ordinance during the past 10 years, but estimates have put the amount

at more than \$200,000.

And the 11th Circuit Court of Appeals said the city would have to pay the Scientologists' attorney for his work, which could be more than \$100,000.

Clearwater Coalition of Homeowner Associations President Bob Wright said the organization has taken no stand on whether the city should pursue the case.

But, he said, "If it means spending more money going after a lost cause, we might take a position."